

HOUSE BILL No. 1395

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-24.2-4; IC 20-32-5.

Synopsis: ISTEP matters. Provides that provisions relating to high ability students apply to performance qualified school districts. Requires that scores of student responses under an ISTEP program test must be reported to the state board of education not later than July 1 of the year in which the ISTEP program test is administered. Provides that the department of education shall release sample essay responses to an ISTEP program test to highlight the accomplishments of students. Urges the legislative council to assign to the appropriate study committee the issue of whether it is feasible to release all ISTEP program test questions to the public. Provides that the department of education (department), with the approval of the state board of education (state board) shall enter into an agreement with a third party vendor to rescore the ISTEP program test results of the ISTEP program test that was administered in the spring of 2015. Provides that the department shall compare the rescored ISTEP program test results with initial scoring in order to find any inconsistencies or other issues relating to the scoring and to improve the integrity of the administration of the ISTEP program tests. Requires the department to prepare a report including the results of the rescoring along with a summary of the department's comparison to the state board, the governor, and the general assembly. Provides that upon receiving the results of the ISTEP program test rescoring, the state board may elect to use the rescored tests instead of the initial scores for purposes of establishing a baseline measurement of student growth or other calculation for purposes of determining school or school corporation accountability for school years starting after June 30, 2015. Establishes the committee on (Continued next page)

Effective: Upon passage; July 1, 2016.

Behning

January 13, 2016, read first time and referred to Committee on Education.



Digest Continued

student success to evaluate Indiana's current system for measuring kindergarten through grade 12 performance and to identify improvements available under the federal Every Student Succeeds Act.



Introduced

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1395

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-24.2-4-3, AS AMENDED BY P.L.233-2015,
2 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 3. (a) Except as specifically provided in this
4 article and section 4 of this chapter, the following provisions of this
5 title and a rule or guideline adopted by the state board under one (1) of
6 the following provisions of this title do not apply to a qualified district
7 or qualified high school:
8 (1) Provisions that do not apply to school corporations in general.
9 (2) IC 20-20 (programs administered by the state), except for
10 IC 20-20-1 (educational service centers) and IC 20-20-8 (school
11 corporation annual performance report).
12 (3) IC 20-28 (school teachers), except for IC 20-28-3-4 (teacher
13 continuing education), IC 20-28-4-8 (hiring of transition to
14 teaching participants; restrictions), IC 20-28-4-11 (transition to
15 teaching participants; school corporation or subject area;

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transition to teaching permit), IC 20-28-5-8 (conviction of certain felonies; notice and hearing; permanent revocation of license; data base of school employees who have been reported), IC 20-28-6 (teacher contracts), IC 20-28-7.5 (cancellation of teacher contracts), IC 20-28-8 (contracts with school administrators), IC 20-28-9 (teacher salary and related payments), IC 20-28-10 (conditions of employment), and IC 20-28-11.5 (staff performance evaluations).

(4) IC 20-30 (curriculum), except for IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances), IC 20-30-5-13 (human sexuality instructional requirements), and IC 20-30-5-19 (personal financial responsibility instruction).

(5) IC 20-32 (student standards, assessments, and performance), except for IC 20-32-4 (graduation requirements), IC 20-32-5 (Indiana statewide testing for educational progress), and IC 20-32-8 (remediation).

~~(6) IC 20-36 (high ability students).~~

~~(7)~~ (6) IC 20-37 (career and technical education).

(b) Notwithstanding any other law, a school corporation may not receive a decrease in state funding based upon the school corporation's status as a qualified district or the status of a high school within the school corporation as a qualified high school, or because of the implementation of a waiver of a statute or rule that is allowed to be waived by a qualified district or qualified high school.

SECTION 2. IC 20-24.2-4-4, AS AMENDED BY P.L.233-2015, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The following provisions of this title and rules and guidelines adopted under the following provisions of this title apply to a qualified district or qualified high school:

IC 20-20-1 (educational service centers).

IC 20-20-8 (school corporation annual performance report).

IC 20-23 (organization of school corporations).

IC 20-26 (school corporation general administrative provisions).

IC 20-27 (school transportation).

IC 20-28-3-4 (teacher continuing education).

IC 20-28-4-8 (hiring of transition to teaching participants; restrictions).

IC 20-28-4-11 (transition to teaching participants; school corporation or subject area; transition to teaching permit).

IC 20-28-5-8 (conviction of certain felonies; notice and hearing; permanent revocation of license; data base of school employees who have been reported).



- 1 IC 20-28-6 (teacher contracts).
- 2 IC 20-28-7.5 (cancellation of teacher contracts).
- 3 IC 20-28-8 (contracts with school administrators).
- 4 IC 20-28-9 (teacher salary and related payments).
- 5 IC 20-28-10 (conditions of employment).
- 6 IC 20-28-11.5 (staff performance evaluations).
- 7 IC 20-29 (collective bargaining for teachers).
- 8 IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative
- 9 observances).
- 10 IC 20-30-5-13 (human sexuality instructional requirements).
- 11 IC 20-30-5-19 (personal financial responsibility instruction).
- 12 IC 20-31 (accountability for school performance and
- 13 improvement).
- 14 IC 20-32-4, IC 20-32-5, and IC 20-32-8 (accreditation,
- 15 assessment, and remediation), or any other statute, rule, or
- 16 guideline related to standardized assessments.
- 17 IC 20-33 (students: general provisions).
- 18 IC 20-34-3 (health and safety measures).
- 19 IC 20-35 (special education).
- 20 **IC 20-36 (high ability students).**
- 21 IC 20-39 (accounting and financial reporting procedures).
- 22 IC 20-40 (government funds and accounts).
- 23 IC 20-41 (extracurricular funds and accounts).
- 24 IC 20-42.5 (allocation of expenditures to student instruction).
- 25 IC 20-43 (state tuition support).
- 26 IC 20-44 (property tax levies).
- 27 IC 20-45 (general fund levies).
- 28 IC 20-46 (levies other than general fund levies).
- 29 IC 20-47 (related entities; holding companies; lease agreements).
- 30 IC 20-48 (borrowing and bonds).
- 31 IC 20-49 (state management of common school funds; state
- 32 advances and loans).
- 33 IC 20-50 (homeless children and foster care children).
- 34 SECTION 3. IC 20-32-5-6, AS ADDED BY P.L.1-2005, SECTION
- 35 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
- 36 PASSAGE]: Sec. 6. **(a)** The scoring of student responses under an
- 37 ISTEP program test:
- 38 (1) must measure student achievement relative to the academic
- 39 standards established by the state board;
- 40 (2) must adhere to scoring rubrics and anchor papers; and
- 41 (3) may not reflect the scorer's judgment of the values expressed
- 42 by a student in the student's responses.



(b) The scores of student responses under an ISTEP program test must be reported to the state board not later than July 1 of the year in which the ISTEP program test is administered.

SECTION 4. IC 20-32-5-9, AS AMENDED BY P.L.219-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) After reports of student scores are returned to a school corporation, the school corporation shall promptly do the following:

(1) Give each student and the student's parent the student's ISTEP program test scores.

(2) Make available for inspection to each student and the student's parent the following:

(A) A copy of all questions that are not multiple choice or true and false and prompts used in assessing the student.

(B) A copy of the student's scored responses.

(C) A copy of the anchor papers and scoring rubrics used to score the student's responses.

A student's parent may request a rescoring of a student's responses to an ISTEP program test, including a student's essay.

(b) A student's ISTEP program test scores may not be disclosed to the public.

(c) The department shall release sample essay responses to an ISTEP program test to highlight the accomplishments of students.

SECTION 5. [EFFECTIVE JULY 1, 2016] (a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(b) The general assembly urges the legislative council to assign to an appropriate study committee the issue of whether it is feasible to release all ISTEP program test questions to the public. The committee, if assigned the topic, shall review issues relating to the following:

(1) Cost.

(2) Increased testing time to pilot new questions.

(3) Transparency.

(4) Student achievement.

(5) Teaching.

(c) If the topic described in subsection (b) is assigned to a study committee, the study committee shall issue a final report to the legislative council containing the study committee's findings and recommendations, including any recommended legislation concerning the topics, in an electronic format under IC 5-14-6 not later than November 1, 2016.



(d) This SECTION expires December 31, 2016.

SECTION 6. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 20 apply throughout this SECTION.

(b) The department, with the approval of the state board, shall enter into an agreement with a third party vendor to rescore the ISTEP program test results of the ISTEP program test that was administered in the spring of 2015.

(c) The department shall compare the rescored ISTEP program test results with initial scoring in order to find any inconsistencies or other issues relating to the scoring and to improve the integrity of the administration of the ISTEP program tests. The department shall prepare a report that includes the results of the rescoring along with a summary of the department's comparison to the state board, to the governor, and in an electronic format under IC 5-14-6, to the general assembly.

(c) Upon receiving the results of the ISTEP program test rescoring under this section, the state board may elect to use the rescored tests instead of the initial scores for purposes of establishing a baseline measurement of student growth or other calculation for purposes of determining school or school corporation accountability under IC 20-31-8 for school year's starting after June 30, 2015.

(e) This SECTION expires January 1, 2017.

SECTION 7. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "committee" refers to the committee on student success established in subsection (b).

(b) The committee on student success is established to evaluate Indiana's current system for measuring kindergarten through grade 12 performance and to identify improvements available under the federal Every Student Succeeds Act (P.L. 114-95).

(c) The committee consists of the following:

- (1) One (1) member appointed by the governor who is a member of the commission for higher education.
- (2) One (1) member appointed by the governor who is an employee of the department of workforce development.
- (3) One (1) member appointed by the governor who is a member of the Indiana career council.
- (4) One (1) member appointed by the governor from a private sector economic development organization.
- (5) One (1) member appointed by the governor who is a member of the state board of education.
- (6) One (1) member of the house of representatives, appointed



by the speaker of the house of representatives.

(7) One (1) member appointed by the speaker of the house of representatives who is a current or former member of a governing body of a school corporation.

(8) One (1) member appointed by the speaker of the house of representatives who is a current or former superintendent of a school corporation.

(9) One (1) member appointed by the speaker of the house of representatives who is a current or former school principal.

(10) One (1) member appointed by the speaker of the house of representatives who is a current or former school teacher.

(11) One (1) member of the senate, appointed by the president pro tempore of the senate.

(12) One (1) member appointed by the president pro tempore of the senate who is a current or former member of a governing body of a school corporation.

(13) One (1) member appointed by the president pro tempore of the senate who is a current or former superintendent of a school corporation.

(14) One (1) member appointed by the speaker of the house of representatives who is a current or former school principal.

(15) One (1) member appointed by the president pro tempore of the senate who is a current or former school teacher.

(16) The state superintendent of public instruction or the state superintendent's designee.

(17) One (1) member appointed by the state superintendent of public instruction who is a current or former member of a governing body of a school corporation.

(18) One (1) member appointed by the state superintendent of public instruction who is a current or former superintendent of a school corporation.

(19) One (1) member appointed by the state superintendent of public instruction who is a current or former school principal.

(20) One (1) member appointed by the state superintendent of public instruction who is a current or former school teacher.

(d) The members described in subsection (c)(6) and (c)(11) shall serve as co-chairpersons for the committee.

(e) A quorum consists of eleven (11) members.

(f) Committee members serve without compensation.

(g) The committee shall meet as often as is necessary to properly perform its duties.

(h) The legislative services agency shall staff and provide



- 1 administrative support for the committee.
- 2 (i) On or before November 1, 2016, the committee shall adopt a
- 3 final report of its findings. A copy of the report shall be submitted
- 4 to the governor, and in an electronic copy under IC 5-14-6, to the
- 5 legislative council.
- 6 (j) This SECTION expires January 1, 2017.
- 7 SECTION 8. An emergency is declared for this act.

